

The opinion in support of the decision being entered today was not written  
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Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SANJAY R. RADIA

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Appeal No. 1998-3329  
Application No. 08/261,518

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ON BRIEF

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Before KRASS, LALL, and BARRY,

execution is a user employing a personal computer at home to run a program on a work station at his office.

A computer executing a process must locate objects stored therein, e.g., on the computer's hard drive. Accordingly, the appellant provides a local computer and a remote computer with a respective context, i.e., a list of name-to-object associations or name bindings. A name is resolved relative to a context. If a process is executed on the local computer, the context of the local computer naturally includes the requisite name bindings for locating the necessary objects stored in the computer.

If a process is initiated by the local computer but executed on the remote computer, however, the latter computer needs to locate objects on the former computer. Accordingly, the local computer transfers its context to the remote computer. The remote computer then adds necessary portions of its own context to the first context. The necessary portions include non-generic object bindings (e.g., for data files) of the second context. More specifically, the appellant provides

a symbolic link generic to both the local and remote computers. The symbolic link is not changed when the context of the local computer is transferred to the remote computer. Instead, the symbolic link is itself linked to the local or remote computer by another symbolic link.

Claim 44, which is representative for present purposes, follows:

44. A method of selectively locally executing a process on a first computer, or remotely executing the process on a second computer upon initiation by the first computer, comprising the steps of:

(a) providing a first context on the first computer including object name bindings having a local machine name which is a symbolic link for specifying a computer on which execution is to be performed;

(b) providing a second context of object name bindings on the second computer;

(b) [sic] if the process is to be locally executed on the first computer, linking the local machine name to the first computer, and controlling the first computer to execute the process; and

(c) if the process is to be remotely executed on the second computer, transferring the first context from the first computer to the second computer, adding the second context to the first context, linking the local machine name to the second

computer, and controlling the second computer to execute the process.

(Appeal Br. at 14.)

The prior art applied by the examiner in rejecting the claims follows:

|                          |                       |      |
|--------------------------|-----------------------|------|
| Nelson et al. ("Nelson") | 5,577,252             | Nov. |
| 19, 1996                 |                       |      |
|                          | (filed July 28, 1993) |      |

Radia et al. ("Radia"), The Per-Process View of Naming and Remote Execution, IEEE Parallel & Distributed Technology, Aug. 1993, pp 71-79.

Claims 44-59 stand rejected under 35 U.S.C. § 103 as obvious over Nelson in view of Radia. Rather than reiterate the arguments of the appellant or examiner in toto, we refer the reader to the brief and answer for the respective details thereof.

#### OPINION

After considering the record, we are persuaded that the examiner erred in rejecting claims 44-59. Accordingly, we

reverse. We begin by summarizing the examiner's rejection and the appellant's arguments.

Admitting that "**Nelson et al.** does not *explicitly* disclose the implementation of a local machine name which is a symbolic link for specifying a computer on which execution is to be performed," (Examiner's Answer at 5), the examiner asserts, "**Radia** discloses the implementation of a local machine name which

is a symbolic link for specifying a computer on which execution

is to be performed [p. 74, col. 2]." (Id.) The appellant argues, "[e]ven if Nelson were provided with the symbolic linking arrangement of Radia, the combination would still not render claims 44 and 52 obvious because both of these references lack the claimed arrangement of providing a symbolic link to a local machine name, and linking the local

machine name itself to a particular computer." (Appeal Br. at 9.)

In deciding obviousness, "[a]nalysis begins with a key legal question -- *what is the invention claimed?*" Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987)(emphasis in original). "Claim interpretation ... will normally control the remainder of the decisional process." Id. at 1597-1598, 1 USPQ2d at 1597. Here, claim 44 specifies in pertinent part the following limitations: "(a) providing ... a local machine name which is a symbolic link for specifying a computer on which execution is to be performed; ... (b) if the process is to be locally executed on the first computer, linking the local machine name to the first computer, and controlling the first computer to execute the process; and ... (c) if the process is to be remotely executed on the second computer, transferring the first context from the first computer to the second computer, adding the second context to the first context, linking the local machine name to the second computer, and controlling the second computer to execute the process." Similarly, claim 52

specifies in pertinent part the following limitations: "a local machine name which is a symbolic link for specifying a computer on which execution is to be performed; ... the first computer is configured to, if the process is to be locally executed on itself, link the local machine name to itself and execute the process; and the first computer is further configured to, if the process is to be remotely executed on the second computer, transfer the first context from itself to the second computer; the second computer being configured to add the second context to the first context, link the local machine name to itself, and execute the process."

Accordingly, claims 44 and 52 require inter alia providing a local machine name, which is a symbolic link for specifying a computer on which execution is to be performed, and linking the local machine name to such a computer.

Having determined what subject matter is being claimed, the next inquiry is whether the subject matter is obvious. "In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness." In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d

1955, 1956 (Fed. Cir. 1993)(citing In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)). "'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.'" In re Bell, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting In re Rinehart, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

Here, although the column of Radia on which the examiner relies mentions that "[p]rogrammers or users are generally insulated from dealing with the names of other machines by *symbolic links*," Radia, p. 74, the examiner fails to show that the reference's symbolic links are themselves linked to computers on which execution is to be performed. To the contrary, the appellant, who coauthored the reference,<sup>1</sup> explains that in Radia, "a symbolic link is not itself symbolically linked to a computer, but is manually changed from one alphanumeric string to another to specify the

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<sup>1</sup>On the copy of Radia in the record, the examiner circled the coauthor's name and noted that he was the "[a]pplicant."

computer on which execution is to be performed." (Appeal Br. at 11.) In Radia, moreover, "during a typical remote execution from a parent machine to a server in the same division, /m denotes a parent machine's naming tree, [and] /ml denotes a server's naming tree ...." P. 76. The appellant-coauthor further explains, "[a]llthough m and ml are both symbolic links which specify a computer on which execution is to be performed, they are not themselves symbolically linked to a particular computer as required by the language of present claims 44 and 52. Instead, the links themselves are changed from one alphanumeric string to the other (m to ml)." (Appeal Br. at 10.)

The appellant's explanation is consistent with his description of the "EPort distributed environment, developed in part by the [appellant]." (Spec. at 4.) In such an environment, "[t]he name bindings of some objects, such as the bindings of objects generic to both the parent and child computers, are changed to point to the child computer. That is, the name bindings of these objects are changed so that the objects may be accessed by the child process directly from the

child computer, rather than from the parent computer." (Spec. at 4-5.) The examiner, moreover, does not challenge the appellant's explanation.

Because the examiner fails to show that Radia's symbolic links are linked to computers on which execution is to be performed or to challenge the appellant's explanation that they are not so linked, we are not persuaded that the teachings from the applied prior art would have suggested the limitations of "(a) providing ... a local machine name which is a symbolic link for specifying a computer on which execution is to be performed; ... (b) if the process is to be locally executed on the first computer, linking the local machine name to the first computer, and controlling the first computer to execute the process; and ... (c) if the process is to be remotely executed on the second computer, transferring the first context from the first computer to the second computer, adding the second context to the first context, linking the local machine name to the second computer, and controlling the second computer to execute the process" or "a local machine name which is a symbolic link for specifying a

computer on which execution is to be performed; ... the first  
computer is configured to, if the process is to be locally  
executed on itself, link the local machine name to ink th 9fcthevTt macis t

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| ERROL A. KRASS              | ) |                 |
| Administrative Patent Judge | ) |                 |
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|                             | ) | BOARD OF PATENT |
| PARSHOTAM S. LALL           | ) | APPEALS         |
| Administrative Patent Judge | ) | AND             |
|                             | ) | INTERFERENCES   |
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| LANCE LEONARD BARRY         | ) |                 |
| Administrative Patent Judge | ) |                 |

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APPEAL NO. 1998-3329 - JUDGE BARRY  
APPLICATION NO. 08/261,518

APJ BARRY - **2 copies**

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APJ LALL

Prepared By: GJH

**DRAFT SUBMITTED:** 16 Aug 02

**FINAL TYPED:**

Team 3:

I typed all of this opinion.

Please check spelling, cites, and quotes.

**Do NOT change matters of form or style.**

For any additional reference provided, please prepare PTO 892  
and include copy of references